

REMARKS

Claims 1-17 are pending in the present application. In the Office Action, claims 1-4, 8-12, and 16-17 were rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Whinnett (U.S. Patent Publication No. 2004/0219919). The Examiner's rejections are respectfully traversed.

Whinnett describes techniques for transitioning between uplink transmission modes. Whinnett describes scheduling one or more uplink transmissions for user equipment and informing the user equipment of the scheduled uplink transmission timing in a scheduling assignment message, which may be sent to the user equipment on a dedicated downlink channel or a high-speed shared control channel. See Whinnett, paragraph [0045]. The user equipment may then send the data on a first code channel at the scheduled time. See Whinnett, paragraph [0046].


However, Whinnett is completely silent with regard to potential mistiming between various pieces of user equipment, which may result in two or more pieces of user equipment providing transmissions that, at least partially, overlap with one another. Accordingly, Whinnett is completely silent with regard to the potential drawbacks of mistiming between various pieces of user equipment. For example, as discussed in the background section of the present application, overlapping transmissions are undesirable in that they may interfere with one another and the interference arising from overlapping transmissions may degrade the signals sufficiently far to produce errors in the information, which will necessitate the information being resent. See Patent Application, page 3, ll. 5-11. Accordingly, Whinnett fails to describe or suggest transmitting information over a second channel at a time related to timing of a first channel, as set forth in independent claims 1 and 10.

For at least the aforementioned reasons, Applicant respectfully submits that the present invention is not anticipated by Whinnett and request that the Examiner's rejections of claims 1-4, 8-12, and 16-17 under 35 U.S.C. 102(e) be withdrawn.

For the aforementioned reasons, it is respectfully submitted that all claims pending in the present application are in condition for allowance. The Examiner is invited to contact the undersigned at (713) 934-4052 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,

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